

California Regional Water Quality Control Board
Santa Ana Region

April 15, 2005

ITEM: 29

SUBJECT: Status of Efforts to Require Suspected Dischargers to Investigate
Perchlorate Pollution in the Rialto, Colton and Chino Groundwater
Subbasins

DISCUSSION:

Pursuant to Section 13267 of the California Water Code, the Executive Officer has issued a total of twenty-two Investigation Orders to suspected dischargers and property owners and, pursuant to Section 13304 of the California Water Code, the Board issued two Cleanup and Abatement Orders to four dischargers and property owners and the Executive Officer issued one Cleanup and Abatement Order to one discharger.

Identified below is a summary of activities that have occurred since the last Board meeting:

Pyro Spectaculars, Inc. (Pyro), Whittaker Corporation (Whittaker) and Thomas O. Peters/Thomas O. Peters Revocable Trust (Peters) - Cleanup and Abatement Order (CAO) No. R8-2004-0042

On February 1, 2005, the Assistant Executive Officer sent letters to Whittaker, Pyro and Thomas O. Peters, providing comments on Whittaker and Pyro's investigation reports and requiring additional work to be performed. Whittaker was required to conduct a deeper soil investigation and Pyro and Thomas O. Peters were required to install groundwater monitoring wells. Whittaker, Pyro and Thomas O. Peters were required to submit work plans for this additional work by March 7, 2005.

In a letter dated February 11, 2005, the attorney for Thomas O. Peters requested that submittal of a work plan for groundwater monitoring wells be deferred until Whittaker completes their soil investigation so that installation of monitoring wells can be coordinated with Whittaker in the event that Whittaker is also required to install monitoring wells. In a letter dated March 3, 2005, the attorney for Pyro requested a 30-day extension to allow for on-going discussions with the County of San Bernardino to develop a cooperative approach to address the Regional Board's concerns. In a letter dated March 18, 2005, the Assistant Executive Officer approved an extension to April 6, 2005 for the submittal of a work plan by Pyro and Thomas O. Peters.

Whittaker submitted their work plan on March 8, 2005. Board staff participated in a site inspection on March 23 to finalize the additional soil sampling locations. Whittaker is expected to commence their additional soil investigation on April 7, 2005.

Pyro Spectaculars, Inc. (Pyro)

Pyro completed its initial soil investigation of its former burn pit site (not located on the 5-acre property and not subject to the CAO) in January 2005. Pyro is currently reviewing the draft investigation report that was prepared by Pyro's consultant. The report is expected to be submitted to Board staff in early April.

County of San Bernardino - CAO No. R8-2003-0013

The Executive Officer approved the County's revised draft RI/FS and revised draft RAP on February 25, 2005. The County has begun installing their additional proposed monitoring wells. The first of the four new monitoring wells is expected to be completed by April 1, 2005. The CAO requires the County to take all actions necessary to provide replacement water for City of Rialto Well No. 3 by April 1, 2005.

In a letter dated March 15, 2005, the County's consultant stated that the perchlorate treatment plant, which would be capable of treating water extracted from Rialto Well No. 3, should be completed by July 15, 2005. However, the installation of the proposed extraction wells, to provide plume containment immediately upgradient of Rialto Well No. 3, and connection of those wells to the treatment plant, is not expected to occur until January 31, 2006. On March 22, 2005, the City of Rialto informed Board staff that perchlorate was recently detected in Rialto Well No. 3 at a concentration of 7.4 ppb (Rialto Well No. 3 has not been operated since late 2004). The analytical data was provided to Board staff on March 25. The CAO requires the County to immediately provide replacement water if perchlorate is detected above the Detection Limit for Reporting (4.0 ppb) prior to the County's plan being implemented. Therefore, in a letter dated March 30, the Executive Officer informed the County that they were required to immediately provide replacement water for Rialto Well No. 3. The letter requested a response by April 7 on the County's plan for providing this replacement water.

Goodrich Corporation

In 2004, Goodrich completed four monitoring wells at its former B.F. Goodrich facility, under the direction of USEPA. The upgradient monitoring well was non-detect for perchlorate and TCE, and perchlorate and TCE were detected in the three downgradient monitoring wells at concentrations as high as 290 ppb and 54 ppb, respectively. A report on the results of the groundwater investigation was submitted in March 2005. Board staff met with Goodrich on March 10 to discuss the need for further groundwater investigations downgradient of Goodrich's former facility. Goodrich acknowledged that further investigation was necessary, and additional discussions are being conducted to define the scope and time frame for conducting the additional investigations. Board staff is evaluating whether an agreement between Goodrich and the Board is appropriate or if a cleanup and abatement order should be issued.

Emhart Industries, Inc./Black & Decker (former West Coast Loading Corporation)

Pursuant to a 13267 Investigation Order, a work plan for a perchlorate investigation at the former West Coast Loading Corporation (WCLC) facility was due from Emhart Industries, Inc. on November 22, 2002. Emhart/Black & Decker submitted a Petition for Stay and for State Board Review of the 13267 Order. The State Board dismissed the Stay request on December 18, 2002. The State Board dismissed the Petition for Review on July 7, 2003.

On August 6, 2003, Emhart filed a Petition for Writ of Mandate in the State Superior Court, Riverside County, seeking an order to invalidate the Executive Officer's 13267 Investigation Order. On November 8, 2004, the Court granted Emhart's request for a Writ of Mandate, thereby invalidating the Investigation Order.

On February 28, 2005, the Executive Officer issued a cleanup and abatement order to Emhart and Black & Decker (U.S.), Inc. to preserve the Regional Board's claim against Emhart, which filed for dissolution in Connecticut in 2002. A Board hearing on this matter has been tentatively scheduled for August 2005.